

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

RAYMOND C. KATCHATAG,

Plaintiff,

v.

STATE OF ALASKA, *et al.*,

Defendants.

Case No. 1:23-cv-00003-SLG

**ORDER OF DISMISSAL**

On June 7, 2023, Defendant Gabe Gluesing removed this action from state court to the Federal District Court for the District of Alaska (“the Court”) pursuant to 28 U.S.C. § 1331 because of the federal constitutional claims included in Plaintiff’s complaint.<sup>1</sup> Plaintiff has continuously sought to have this case remanded back to the state court arguing he does not intend to pursue any federal claims.<sup>2</sup> Before the Court conducted the required screening of the Complaint, Defendant Gabe Gluesing filed a Motion to Dismiss under Federal Rules of Civil Procedure 12(b)(6).<sup>3</sup> The Court granted the motion, as it found the Complaint failed to state a claim for relief, but accorded Plaintiff leave to file an amended complaint. Then, Plaintiff filed an amended complaint that appears to have been intended for the Superior Court for the State of Alaska, First Judicial District of Juneau and a motion

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<sup>1</sup> Docket 1-1.

<sup>2</sup> Docket 17.

<sup>3</sup> Dockets 6-7.

to remand this action back to state court.<sup>4</sup> The Court denied the motion because there is no operative complaint in this case, but informed Plaintiff that if he “were to file an amended complaint that contained only state law claims, this Court would have the discretion to remand the case to state court.”<sup>5</sup> Then, Plaintiff filed a motion for an extension of time to file an amended complaint and a motion for a copy of all the filings in this case.<sup>6</sup> The Court granted Plaintiff’s motion for an extension of time to file an amended complaint and provided Plaintiff a copy of the Court’s order at Docket 13 that gave instructions to Plaintiff on how to file an amended complaint, Plaintiff’s initial complaint at Docket 1-1, and his attempted amended complaint at Docket 16.<sup>7</sup> Plaintiff was instructed to file an amended complaint or a notice of voluntary dismissal by May 29, 2024.<sup>8</sup>

Now pending before the Court is Plaintiff’s motion for clarification inquiring whether a “strike appl[ies] to the federal civil court or the 1983 Court.”<sup>9</sup> There is no “1983 Court.” Section “1983” refers to 42 U.S.C. § 1983; that statute provides a right to sue state government employees and others acting under color of state law for civil rights violations in federal district court. As the Court has previously informed Plaintiff, federal law directs a district court to issue a “strike” when a case

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<sup>4</sup> Dockets 16–17.

<sup>5</sup> Docket 20 at 2.

<sup>6</sup> Dockets 21–23.

<sup>7</sup> Docket 23 at 1–2.

<sup>8</sup> Docket 23 at 1.

<sup>9</sup> Docket 24 at 1.

is dismissed as frivolous or malicious, or fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.<sup>10</sup>

There is still no operative complaint in this case, and Plaintiff has failed to state a claim upon which relief could be granted despite being provided multiple opportunities to file an amended complaint. Therefore, this case is DISMISSED. However, the Court is cognizant that Plaintiff is self-represented and originally brought this case in state court. Therefore, in the interests of fundamental fairness, the Court dismisses this claim without prejudice and without issuing a strike against Plaintiff.

IT IS THEREFORE ORDERED:

1. This action is **DISMISSED** without prejudice.
2. All pending motions are **DENIED** as moot.
3. This dismissal will **not** count as a **“strike”** against Plaintiff.
4. The Clerk of Court shall issue a final judgment.

DATED this 10th day of June, 2024, at Anchorage, Alaska.

/s/ Sharon L. Gleason  
UNITED STATES DISTRICT JUDGE

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<sup>10</sup> See 28 U.S.C. § 1915A(b)(1) & (2).